(5)

C-F 100-00

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION NO. 1405 OF 2001

BETWEEN

Sitaram Bharia S/o Thakur Ram Bharia, aged about years, occupation agriculturist, resident of Village Barpali (Tonakhar), Tahsil Katghora, District Korba.

P. R. No. 1295/01
Presented by Shri S.R. Tamrakar
dated 24/7/2001

PETITIONER

A N D

1. The State of Chhattisgarh, through the Secretary Department of Tribal Development, D.K.Buildings, Raipur.

2. Collector, Korba, District Korba.

3. Sub Divisional Officer, Katghora District Korba .

4. Tahsildar Katghora, District Korba.

RESPONDENTS

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA

(65)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 1405 / सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	16.07.2003 Shri B.D. Guru, counsel for the petitioner. Shri Sanjay S Agrawal, P.L. for the State. Though this matter is listed for admission, in view of the nature of the controversy and, on the prayer of the learned counsel, the matter is taken up for final disposal. Heard. The prayer in this writ petition is for a direction to the respondent no.4-Tahsildar, Katghora who, according to the petitioner is the competent authority, to issue a caste certificate in favour of the petitioner and his family members that they belong to 'Bharia' community, which is a notified Schedule Tribe. Obviously, the prayer claimed cannot be granted by this Court, for a caste certificate, can be issued by the competent authority only after holding an enquiry and, it is so stated by learned counsel for the State. In this view of the matter, learned counsel for the petitioner states that he would withdraw this writ petition so as to enable the petitioner to move an application before the appropriate authority for grant of a caste certificate and that the said authority may be directed accordingly.	

[पीछे देखिये

(66)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP/1405/ सन् 200 /

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

In the above view of the matter, this writ petition is disposed of with a direction to the respondent no.4 that in case the petitioner moves an application for grant of a caste certificate the authority shall, after holding an enquiry in accordance with rules and regulation governing the field, try and dispose of the application within a period of four weeks from the date of receipt of the application. It is made clear that this order is not to be construed as a direction to the authority to issue a caste certificate to the petitioner without holding an enquiry or if the petitioner fails to establish that he belongs to Schedule Tribe community. The certificate will be issued only if the competent authority is satisfied that the petitioner, in fact, belongs to the Schedule Tribe community.

Consequently, M.W.P No. 1631/2002 and I.A.No.8099/2002 also stand disposed of.

Certified copy as per Rules.

Sd/-
P. C. Naik
Judge

Roshan/-

6/12/09
7/12/09

[पीछे देखिये